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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

HOANG MINH TRAN,

Defendant and Appellant.

D055700

(Super. Ct. No. SCD216674)

APPEAL from a judgment of the Superior Court of San Diego County, David M. Gill, Judge. Affirmed.

Hoang Minh Tran entered guilty pleas to the face of the amended information charging seven counts of identity theft and forgery offenses and admitted allegations that he was on bail when he committed the crimes within the meaning of Penal Code¹ section 12022.1, subdivision (b). Specifically, Tran pled guilty to one count of acquiring access cards of four or more persons (§ 484e, subd. (b)); one count of acquiring access card

¹ Statutory references are to the Penal Code.

account information (§ 484e, subd. (d)); one count of use of a counterfeit access card (§ 484f, subd. (a)); one count of burglary (§ 459); one count of receiving stolen property (§ 496, subd. (a)); one count of possessing forged items (§ 475, subd. (a)); and one count of obtaining personal identifying information on 10 or more persons with the intent to defraud (§ 530.5, subd. (c)(3)).

The trial court sentenced Tran to the middle term of two years on the acquiring access cards of four or more persons count and imposed a two-year enhancement for committing the crime while on bail. The court stayed sentence on the remaining counts and allegations pursuant to section 654.²

Tran did not obtain a certificate of probable cause.

FACTS

On October 9, 2008, police went to the Sands Hotel in La Jolla in response to a complaint about the unauthorized use of a credit card. Tran had checked into room 107 using a Visa debit card from WalMart. The card had "Hoang Minh Tran" printed on the front but a different signature—"Kevin Nguyen"—on the back. The number of the card matched that of the credit card of the individual who had reported the unauthorized use of his credit card. Tran was inside room 107 when police went to the hotel. Tran told police he knew the debit card was counterfeit and had used it to pay for the hotel room, eat at a restaurant and to rent a car. Inside the hotel room were numerous driver licenses,

² At the same sentencing hearing, the trial court also imposed sentence on three other cases in which Tran was convicted of criminal offenses. Tran has pending appeals on the other cases.

identification cards, social security cards and credit cards issued to individuals other than Tran. Police also found a "swiper" or "skimmer," which can be used to make counterfeit credit cards from blank cards, and materials to print counterfeit checks. Additionally, there was an 11-page notebook with names, addresses, credit card numbers and expiration dates.

DISCUSSION

Appointed appellate counsel has filed a brief setting forth the evidence in the superior court. Counsel presents no argument for reversal but asks that this court review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel refers to as possible but not arguable issues: (1) whether Tran's guilty plea was constitutionally valid; and (2) whether Tran's work credits should be recalculated under the amendment to section 4019, which became effective on January 25, 2010.³

We granted Tran permission to file a brief on his own behalf. He has responded.

Tran claims that he was not the "real perpetrator." Tran complains the police did not properly investigate the crime and violated "procedure and protocol" by, among other things, failing to fingerprint items that were in the room 107 of the Sands Hotel.

However, Tran's guilty plea constituted an admission of every element of the offense and

³ In April 2009 the trial court granted appellate counsel's motion to award Tran additional custody credit pursuant to the amendment to section 4019. On April 30 we granted Tran's request to augment the record on appeal with his motion and the trial court's order granting the motion. Thus, this issue is moot.

precludes any challenge to the sufficiency of the evidence on appeal. (*People v. DeVaughn* (1977) 18 Cal.3d 889, 895-896; see also *People v. Wallace* (2004) 33 Cal.4th 738, 750.)

Tran also complains he was coerced into pleading guilty even though he was innocent of the crimes because he feared the trial court and the prosecutor were going to deprive him of his due process rights. Because Tran did not obtain a certificate of probable cause, he cannot challenge his guilty plea. Section 1237.5 precludes consideration of any challenge to a guilty plea on appeal absent a certificate of probable cause. (See *People v. Buttram* (2003) 30 Cal.4th 773, 781-782; *People v. Panizzon* (1996) 13 Cal.4th 68, 76.)

A review of the entire record pursuant to *People v. Wende, supra*, 25 Cal.3d 436, including the possible issues referred to pursuant to *Anders v. California, supra*, 386 U.S. 738, has disclosed no other reasonably arguable appellate issue. Competent counsel has represented Tran on this appeal.

DISPOSITION

The judgment is affirmed.

BENKE, Acting P. J.

WE CONCUR:

NARES, J.

AARON, J.